

REMARKS

In the Office Action, the Examiner raised questions about the oath and effective filing date of the present application. The Examiner also objected to an informality in claim 17 and rejected claims 1-4 and 7-23 under 35 U.S.C. § 112, ¶ 2 as being indefinite. He also rejected claims 7-13 under 35 U.S.C. § 101 as claiming an invention already patented in U.S. Patent No. 5,996,075, i.e., the grandparent of the present application. Finally, the Examiner indicated allowable subject matter in claims 1-4 and 14-23.

Priority Claim

The present application is a continuation of U.S. Patent Application No. 09/023, 047, filed February 13, 1998, (now U.S. Patent No. 6,243,814) which is a continuation of U.S. Patent Application No. 08/552,316, filed November 2, 1995, (now U.S. Patent No. 5,996,075. Pursuant to 35 U.S.C. § 120, the present application is entitled to the filing date of the first application (i.e., November 2, 1995) because it was filed before the patenting of its parent application and because the specification was amended to include a specific reference to the earlier filed applications.

In the Office Action, the Examiner incorrectly stated that the application does not include the required reference to the earlier filed applications. 2/24/06 Office Action, pp. 2-3. However, Applicants note that the transmittal letter that accompanied the filing of the present application included a specific instruction to amend the specification to include references to the previously-filed applications, as was permissible under Patent Office rules at the time of filing. A copy of the transmittal letter is attached.

The Examiner further stated that Applicant is not entitled to the filing date of either previous application because the oath in the present application does not include a reference to the previous applications. 2/24/06 Office Action, p. 2. However, the Patent Office rules clearly state that a newly executed oath or declaration is not required in a continuation application where, as here, the prior application included a declaration, the continuation application is filed by the same inventor as the prior application, the continuation application does not include new matter, and a copy of the executed declaration from the prior application is submitted for the continuation application. 37 C.F.R. § 1.63(d). A copy of the executed declaration from the grandparent application (copy attached) was filed with the present continuation application on November 20, 2000, as evidenced by the attached stamped postcard receipt.

Thus, under 35 U.S.C. § 120 and pursuant to 37 C.F.R. § 1.63, the present application is entitled to the effective filing date of its grandparent application, i.e., November 2, 1995.

Claim Objections and Rejections

Applicant thanks the Examiner for noting a typographical error in claim 17. By this Amendment, Applicant has corrected the error, and Applicant respectfully requests the withdrawal of the claim objection.

The Examiner also rejected claims 1-4 and 7-23 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to distinctly claim the subject matter of the invention. By this Amendment, Applicant has amended claims 1-4 and 14-23 to clarify the claim language. Accordingly, Applicant requests the withdrawal of the section 112 rejections of claims 1-

PATENT
Customer No. 22,852
Attorney Docket No. 06502.0018-02

4 and 14-23. Applicant has cancelled claims 7-13, rendering the section 112 rejections of those claims moot.

The Examiner also rejected claims 7-13 under 35 U.S.C. § 101 as allegedly claiming an invention already patented in U.S. Patent No. 5,996,075, i.e., the grandparent of the present application. Because the Examiner has indicated that all of the other claims are allowable, Applicant has cancelled claims 7-13 in order to move the present application to allowance, rendering the section 101 rejections of claims 7-13 moot.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

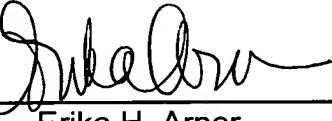
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 23, 2006

By:


Erika H. Arner
Reg. No. 57,540

Attachments:

Copy of transmittal letter filed with this continuation application on 11/20/00.

Copy of executed declaration from U.S. Patent Application No. 08/552,316 (i.e., the grandparent of the present application) and stamped postcard receipt showing its filing in the present application.